

WARRANT FOR SPECIAL TOWN MEETING

Monday, November 16, 2020



TOWN OF ARLINGTON

**TOWN WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss.**

To the Constables of the Town of Arlington, in said County:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Arlington to meet in the

**Town Meeting will take place virtually
For more information visit <https://www.arlingtonma.gov/>
in said Town of Arlington**

**MONDAY
THE SIXTEENTH DAY OF NOVEMBER 2020**

at eight o'clock P.M., at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members, in accordance with, and subject to, the referenda provided by Chapter 43A of the General Laws.

ARTICLE 1

REPORTS OF COMMITTEES

To receive, hear, and act upon the reports of the Select Board, Finance Committee, Redevelopment Board, School Committee and other committees, commissions, and boards heretofore appointed, or dissolve any inactive committees; and take any action related thereto.

(Inserted at the request of the Town Moderator)

ARTICLE 2

CONSENT AGENDA

To see if the Town will vote to take affirmative action on the Warrant Articles listed on the Consent Agenda as printed in the Moderator's Report, without debate on any of the Articles, provided that, upon the request of any one Town Meeting Member present made before a vote is taken on this Article, an Article requested to be omitted shall be removed from the Consent Agenda and shall be acted upon in the ordinary course of business at this Town Meeting; or take any action related thereto.

(Inserted at the request of the Town Moderator)

ARTICLE 3

**BYLAW AMENDMENT/REGULATION OF OUTDOOR
LIGHTING – UPLIGHTING**

To see if the Town will vote to amend Title V Article 14 Section 3D of the Town Bylaws to include structures used for religious purposes, and structures used for commercial purposes, among the exemptions to the prohibition of uplighting; or take any action related thereto.

(Inserted by the Select Board at the request of Paul Schlichtman and ten registered voters)

ARTICLE 4

BYLAW AMENDMENT/MINUTEMAN BIKEWAY HOURS

To see if the Town will vote to amend Title III, Article 1, Section 10 of the Town Bylaws (Minuteman Bikeway Hours) to extend the operating hours of the Minuteman Bikeway; or take any action related thereto.

(Inserted by the Select Board at the request of Adam MacNeill and ten registered voters)

ARTICLE 5

HOME RULE LEGISLATION/BYLAW AMENDMENT/ FOSSIL FUEL INFRASTRUCTURE

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to allow the Town of Arlington to regulate fossil fuel infrastructure in new construction and/or major renovation and rehabilitation projects in Arlington for the purposes of reducing greenhouse gas emissions and encouraging renewable energy production and use, notwithstanding the State Building Code, the Gas Code, M.G.L. c. 164 or any other law of the Commonwealth regulating natural gas as a residential utility; and further to vote to establish a new section of Title VI of the Town Bylaws prohibiting or otherwise regulating the installation of fossil fuel infrastructure in new construction projects and/or major renovation and rehabilitation projects in Arlington, and to set forth the terms and scope of such prohibition, including exemptions or waivers to same; or take any action related thereto.

(Inserted by the Select Board and at the request of the Clean Energy Future Committee)

ARTICLE 6

VOTE/ESTABLISHMENT OF POLICE CIVILIAN ADVISORY BOARD STUDY COMMITTEE

To see if the Town will vote to form a Committee to study the creation of an Arlington police civilian review board independent from the police department with the authority and resources to receive and investigate complaints, review police services and make recommendations for their improvement. The study committee shall be comprised of seven (7) voting members and three (3) non-voting members. The study committee will make its decisions based on the vote of a simple majority of the committee's voting members who shall be appointed to the committee by: the Envision Arlington Standing Committee (1); the Arlington Human Rights Commission (1); the LGBTQIA & Rainbow Commission (1); the Disability Commission (1); the Board of Youth Services (1); the Equal Opportunity Advisory Committee (1); and the Town Moderator (1). Non-voting members of the committee shall include one (1) representative from the Arlington Police Department, the Town's Diversity, Equity and Inclusion Coordinator, and the Town Counsel. The membership of the study committee's voting members will include at least one Town Meeting member and shall reflect racial/ethnic and other forms of diversity of Town residents. The study committee will complete its work and recommendations and shall report to the 2021 Annual town Meeting; or take any action related thereto.

(Inserted by the Select Board at the request of Jordan Weinstein and ten registered voters)

ARTICLE 7

VOTE/BYLAW AMENDMENT/ENVISION ARLINGTON UPDATED LANGUAGE

To see if the Town will vote to amend Title I, Article 15 to change the name of "Vision 2020" to comport with its current name "Envision Arlington;" to revise the Bylaw's articulation of "Goals" as a "Statement of Community Values" or similar term; and to modernize the "Goals" as set forth in the vote of the 1993 Town Meeting (Article 19) with more inclusive language; or take any action related thereto.

(Inserted at the request of the Envision Arlington Standing Committee)

ARTICLE 8

ACCEPTANCE OF LEGISLATION/BYLAW AMENDMENT/ MUNICIPAL AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to accept Massachusetts General Laws c. 44 § 55C, to authorize the creation of a Municipal Affordable Housing Trust Fund to support the development of affordable housing in Arlington, establish a new bylaw for the administration of same; or take any action related thereto.

(Inserted by the Select Board)

ARTICLE 9

VOTE/ELECTION MODERNIZATION COMMITTEE

To see if the Town will vote to extend the life of the Election Modernization Committee, change its structure, objectives, or membership; or take any action related thereto.

(Inserted by the Select Board and at the request of the Election Modernization Committee)

ARTICLE 10

**ACCEPTANCE OF LEGISLATION/GOLD STAR
FAMILY TAX EXEMPTION**

To see if the Town will vote to accept Massachusetts General Law Chapter 59 sec. 5(22H) to provide a local to surviving parents or guardians of members of the United States armed services who died on active duty tax exemption; or take any action related thereto

(Inserted at the request of the Town Manager)

ARTICLE 11

HOME RULE LEGISLATION/JUSTIN BROWN

To see if the Town will vote to request and authorize the Select Board to file Home Rule Legislation so as to enable Justin Brown, a resident of the Town, to be eligible for appointment as a firefighter in the Town of Arlington notwithstanding and the fact that he has attained the age of 32; or take any action related thereto.

(Inserted by the Select Board at the request of Justin Brown and ten registered voters)

ARTICLE 12

**HOME RULE LEGISLATION/CONSOLIDATION OF TOWN
MEETING MEMBER ELECTIONS**

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to reform the nomination and election process for Town Meeting seats to permit the consolidation of elections of Town Meeting Members when there are vacant seats into a single election per precinct, such that the highest vote-getters win the longest available terms, to promulgate regulations to effectuate the same; or take any action related thereto.

(Inserted by the Select Board and at the request of the Election Modernization Committee)

ARTICLE 13

HOME RULE LEGISLATION/RANKED CHOICE VOTING

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to elect Town offices by Ranked Choice Voting; or take any action related thereto.

(Inserted by the Select Board and at the request of the Election Modernization Committee)

ARTICLE 14

HOME RULE LEGISLATION/SENIOR WATER DISCOUNT

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation or other Special Legislation which would permit the Town to discount fees charged to qualifying, means-tested Arlington Seniors for water and sewer usage; or take any action related thereto.

(Inserted by the Select Board)

ARTICLE 15

HOME RULE LEGISLATION/RETIRED POLICE OFFICER DETAILS

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation, as set forth below, to allow retired police officers to work police details; or take any action related thereto.

**AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS AS
SPECIAL POLICE OFFICERS IN THE TOWN OF ARLINGTON**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Town Manager of the Town of Arlington may appoint, at the recommendation of the Chief of Police and as the Chief of Police deems necessary, retired police officers as special police officers for the purpose of performing police details and any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work, when the special police officer is on detail assignment and an emergency response by the special police officer is required due to the inability of a regular police officer to timely respond to the emergency. Such retired police officers must have previously served as regular full-time police officers for the Town of Arlington who voluntarily retired based upon superannuation under the provisions of chapter 32 of the General Laws.

No retired police officer shall be eligible for appointment under this act if such officer has reached the mandatory age for retirement of police officers specified in chapter 32 of the General Laws and regulations promulgated thereunder and the employment of any officer appointed under this act shall terminate upon attaining such age. No officer who has been retired from the Town of Arlington Police Department for more than five years shall be eligible for appointment under this act unless the officer has maintained employment since the date of retirement as an active police officer in the Commonwealth. Prior to being appointed under this act every officer who is to be appointed must pass a medical examination by a physician chosen by the Town to determine that such officer is capable of performing the essential duties of a special police officer under this act. The cost of such examination shall be borne by the special police officer. Such officer shall provide certification to the Town that the officer is covered by personal health insurance.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws; sections 85H and 85H ½ of chapter 32 of the General Laws; sections 99A, 100, or 111F of chapter 41 of the General Laws; or chapter 150E of the General Laws. Special police officers appointed under this act shall be subject to chapter 151A of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing their duties set forth in this act, have the same power to make arrests and to perform other police functions as do regular police officers of the Town of Arlington.

SECTION 4. Special police officers shall be appointed for a term of one year, subject to renewal in the Town Manager's sole discretion. During the term of appointment, the officer shall serve at the pleasure of the Town Manager, subject to removal by the Town Manager at any time with or without cause. Any such removal shall be preceded by a fourteen-day written notice unless considerations of public safety and welfare, determined in the Town Manager's sole discretion, require immediate removal. In such instances, the Town Manager shall provide the officer with a written statement of reasons for the immediate removal.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the Police Department and the Chief of Police of the Town of Arlington, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing, and requirements regarding uniforms and equipment. Compliance with all

requirements will be at no cost to the Town of Arlington. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the Town Clerk of the Town of Arlington who shall keep a record of all such appointments.

SECTION 7. Appointment as a special police officer under this act shall not entitle any officer appointed as such to assignment to any specific detail or type of detail, and all such assignments shall be made in the sole discretion of the Chief of Police. Special police officers appointed under this act shall be paid the hourly detail rate applicable to regular full-time officers, including any changes to such rate, but shall not be entitled to any other Town benefits.

SECTION 8. Retired police officers appointed as special police officers under this act shall be subject to the limitations on hours worked and on earnings by retired municipal employees under paragraph (b) of section 91 of chapter 32 of the General Laws. Any such officer shall, on or before January thirty-first of each calendar year, file a sworn statement with the Arlington Contributory Retirement Board on a prescribed form identifying the compensated number of hours worked for, and all earnings therefrom, for the Commonwealth and any of its subdivisions for which the police officer worked during the preceding calendar year.

SECTION 9. This act shall take effect upon its passage.

(Inserted by the Select Board)

**ARTICLE 16 ZONING BYLAW AMENDMENT/DEFINITIONS RELATED TO
OPEN SPACE**

To see if the Town will vote to amend the Zoning Bylaw of the Town of Arlington by renaming the terms “Open Space”, “Open Space, Usable” and “Open Space, Landscaped” in Section 2 – Definitions; or take any action related thereto.

(Inserted by the Redevelopment Board at the request of Stephen A. Revilak
and ten registered voters)

**ARTICLE 17 ZONING BYLAW AMENDMENT/NOTICE OF DEMOLITION,
OPEN FOUNDATION EXCAVATION, NEW
CONSTRUCTION, OR LARGE ADDITIONS**

To see if the Town will vote to amend the Zoning Bylaw in Section 3.1.B. by appending to the end of this section the sentence: “No such permit shall be issued until the Building Inspector finds that the applicant is in compliance with the applicable provisions of Title VI, Article 7 of the Town Bylaws;” or take any action related thereto.

(Inserted by the Redevelopment Board at the request of Michael Ruderman
and ten registered voters)

**ARTICLE 18 ZONING BYLAW AMENDMENT/IMPROVING RESIDENTIAL
INCLUSIVENESS, SUSTAINABILITY, AND AFFORDABILITY
BY ENDING SINGLE FAMILY ZONING**

To see if the Town will vote to amend the Zoning Bylaw for the Town of Arlington by expanding the set of allowed residential uses in the R0 and R1 zoning districts with the goal of expanding and diversifying the housing stock by altering the district definitions for the R0 and R1 zoning districts; or take any action related thereto.

(Inserted at the request of Benjamin Rudick and ten registered voters)

ARTICLE 19 ZONING BYLAW AMENDMENT/ACCESSORY DWELLING UNITS

To see if the Town will vote to allow Accessory Dwelling Units (ADUs) in single and two-family dwellings in residential districts, or take any action related thereto by amending the Zoning Bylaw as follows:

Section 1.2 Purposes to add “to encourage housing for persons at all income levels and stages of life”;

and

Section 2.5 Definitions Associated with Dwelling: to add An ACCESSORY DWELLING UNIT, OR ACCESSORY APARTMENT, “Accessory dwelling unit”, four or more rooms constituting a self-contained accessory housing unit, inclusive of sleeping, cooking and sanitary facilities on the same premises as the principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code and state fire safety code; (ii) is not larger in floor area than 1/2 the floor area of the principal dwelling.

and

Section 3.3.3 Special Permits to add “in the case of requests for special permits for Accessory Dwelling Units, the use will add to the need for a range of affordable housing opportunities for the Town.”

and

Section 5.2.3 Districts and Uses: to add “to allow for the creation of accessory dwelling units in all zoning districts which allow residential use. (Include in Section 5.4 Residential Districts); or take any action related thereto.

(Inserted at the request of Barbara Thornton and ten registered voters)

**ARTICLE 20 ZONING BYLAW AMENDMENT/PARKING REDUCTIONS
IN THE B3 AND B5 DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to allow the Board of Appeals or Arlington Redevelopment Board, as applicable, to reduce the parking requirement as low as zero in the B3 and B5 Districts through Special Permit where businesses have no ability to create new parking by amending SECTION 6.1.5. PARKING REDUCTION IN BUSINESS, INDUSTRIAL, AND MULTI-FAMILY RESIDENTIAL ZONES; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

ARTICLE 21 ZONING MAP AMENDMENT/REZONE TOWN PROPERTY

To see if the Town will vote to rezone a parcel of land belonging to the Town of Arlington with access from Grove Street and being identified by Map 54, Block 3, Lot 2.B from R1 to I, or take any other action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 22 COLLECTIVE BARGAINING

To see if the Town will vote to fund any fiscal items in the event that any are contained in collective bargaining agreements between the Town and the following named collective bargaining unit’s salaries or fringe benefits, determine how the money shall be raised and expended; or take any action related thereto:

- A. Arlington Police Patrol Officers’ Association (formerly Arlington Patrolmen’s Association);

(Inserted at the request of the Town Manager)

ARTICLE 23

CAPITAL BUDGET/DPW YARD

To see if the Town will vote to appropriate a sum of money for remodeling, reconstructing, or making extraordinary repairs to the DPW Yard and associated buildings, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, and determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing; or take any action related thereto.

(Inserted at the request of the Town Manager)

ARTICLE 24

APPROPRIATION/COMMUNITY PRESERVATION FUND

To see if the Town will vote to make appropriations from the Community Preservation Fund for eligible community preservation projects; for community preservation reserve accounts for historic preservation, open space and recreation, and affordable housing; for Community Preservation Act Committee administrative expenses or other eligible expenses; or take any action related thereto.

(Inserted at the request of the Community Preservation Act Committee)

ARTICLE 25

RESOLUTION/BLACK LIVES MATTER BANNER AT TOWN HALL

To see if the Town will vote to or take any action related thereto: Be it hereby resolved, that it is the will of Town Meeting that the Town of Arlington continue to display a Black Lives Matter banner on Town Hall until such time as Town Meeting recommends its removal, or takes any action related thereto.

(Inserted at the request of Katell Gullec and 100 registered voters)

.... (SIGNED)

....A true copy.

Attest:

(SIGNED)

JOHN V. HURD

JOSEPH A. CURRO, JR.

DIANE M. MAHON

STEPHEN W. DECOURCEY

LENARD T. DIGGINS

SELECT BOARD

OF THE

TOWN

OF

ARLINGTON

RICHARD BOYLE

CONSTABLE



JOHN V. HURD, CHAIR
JOSEPH A. CURRO, JR., VICE CHAIR
DIANE M. MAHON, CHAIR
STEPHEN W. DECOURCEY
LENARD T. DIGGINS